with enforcement provisions set forth in this subpart, that a model of covered equipment is noncompliant, or if a manufacturer or private labeler determines one of its models to be in noncompliance, the manufacturer or private labeler shall:

(i) Immediately cease distribution in commerce of all units of the basic model in question;

(ii) Give immediate written notification of the determination of noncompliance to all persons to whom the manufacturer has distributed units of the basic model manufactured since the date of the last determination of compliance; and

(iii) If requested by the Secretary, provide DOE, within 30 days of the request, records, reports and other documentation pertaining to the acquisition, ordering, storage, shipment, or sale of a basic model determined to be in noncompliance.

(2) The manufacturer may modify the noncompliant basic model in such manner as to make it comply with the applicable performance standard. The manufacturer or private labeler must treat such a modified basic model as a new basic model and certify it in accordance with the provisions of this subpart. In addition to satisfying all requirements of this subpart, the manufacturer must also maintain records that demonstrate that modifications have been made to all units of the new basic model before its distribution in commerce.

(3) If a manufacturer or private labeler has a basic model that is not properly certified in accordance with the requirements of this subpart, the Secretary may seek, among other remedies, injunctive action to prohibit distribution in commerce of the basic model.

[75 FR 10968, Mar. 9, 2010]

APPENDIX A TO SUBPART S OF PART 431—COMPLIANCE STATEMENT FOR METAL HALIDE LAMP BALLASTS

Equipment: Metal Halide Lamp Ballasts

Manufacturer's or Private Labeler's Name and Address:

_____

_____

[Company name] ("the company") submits this Compliance Statement under 10 CFR Part 431 (Energy Efficiency Program for Certain Commercial and Industrial Equipment) and Part A of the Energy Policy and Conservation Act (Pub. L. 94–163), and amendments thereto. I am signing this on behalf of and as a responsible official of the company. All basic models of metal halide lamp ballasts subject to energy conservation standards specified in 10 CFR Part 431 that this company manufactures comply with the applicable energy conservation standard(s). We have complied with the applicable testing requirements (prescribed in 10 CFR Part 431) in making this determination, and in determining the energy efficiency set forth in all Certification Reports submitted by or on behalf of this company. All information in such Certification Report(s) and in this Compliance Statement is true, accurate, and complete. The company pledges that all this information in any future Compliance Statement(s) and Certification Report(s) will meet these standards, and that the company will comply with the energy conservation requirements in 10 CFR Part 431 with regard to any new basic model it distributes in the future. The company is aware of the penalties associated with violations of the Act and the regulations thereunder, and is also aware of the provisions contained in 18 U.S.C. 1001, which prohibits knowingly making false statements to the Federal Government.

Name of Company Official: _____
Signature of Company Official: _____
Title: _____
Firm or Organization: _____
Date: _____

Name of Person to Contact for Further Information:

Address: _____
Telephone Number: _____
Facsimile Number: _____
Email: _____

Third-Party Representation (if applicable)

For certification reports prepared and submitted by a third-party organization under the provisions of 10 CFR Part 431, the company official who authorized said third-party representation is:

Name: _____
Title: _____
Address: _____
Telephone Number: _____
Facsimile Number: _____
Email: _____

The third-party organization authorized to act as representative:

Third-Party Organization: _____
Address: _____
Telephone Number: _____
Facsimile Number: _____
Email: _____

Submit by Certified Mail to: U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue, SW, Washington, DC 20585–0121. Submit by e-mail in PDF format (which shows original signature) to the U.S. Department of Energy, Buildings Technologies Program at: *certification.report.@ee.doe.gov*.

[75 FR 10968, Mar. 9, 2010]

APPENDIX B TO SUBPART S TO PART 431—CERTIFICATION REPORT FOR METAL HALIDE LAMP BALLASTS

All information reported in this Certification Report(s) is true, accurate, and complete. The company is aware of the penalties associated with violations of the Act, the regulations thereunder, and is also aware of the provisions contained in 18 U.S.C. 1001, which prohibits knowingly making false statements to the Federal Government.

Name of Company Official or Third-Party Representative:

Signature of Company Official or Third-Party Representative:

Title:
Date:
Equipment Type:
Manufacturer:

Name of Person to Contact for Further Information:

Address:
Telephone Number:
Facsimile Number:
E-mail:

For Existing, New, or Modified Models: [Provide specific equipment information including, for each basic model, the product class, the manufacturer's model number(s), and the other information required in 431.327(a)(6)(i).]

For Discontinued Models: [Provide manufacturer's model number(s).]

Submit by Certified Mail to: U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Submit by E-mail to: U.S. Department of Energy, Buildings Technologies Program, *certification.report@ee.doe.gov*.

[75 FR 10968, Mar. 9, 2010]

APPENDIX C TO SUBPART S OF PART 431—ENFORCEMENT FOR PERFORMANCE STANDARDS; COMPLIANCE DETERMINATION PROCEDURE FOR METAL HALIDE LAMP BALLASTS

DOE will determine compliance as follows:

(a) After it has determined the sample size, DOE will measure the energy performance for each unit in accordance with the following table:

Sample size	Number of tests for each unit
4	1
3	1
2	2
1	4

(b) Compute the mean of the measured energy performance (x_l) for all tests as follows:

$$x_l = \frac{1}{n_l}\left\{\sum_{i=1}^{n_l} x_i\right\} \qquad [1]$$

Where x_i is the measured energy efficiency or consumption from test i, and n_l is the total number of tests.

(c) Compute the standard deviation (S_l) of the measured energy performance from the n_l tests as follows:

$$S_l = \sqrt{\frac{\sum_{i=1}^{n_l}\left(x_i - x_l\right)^2}{n_l - 1}} \qquad [2]$$

(d) Compute the standard error (Sx_l) of the measured energy performance from the n_l tests as follows: